Application No. 10/010,330   Docket No.: H1139.0108
Amendment dated November 17, 2005
Reply to Office Action of July 26, 2005

REMARKS

Claims 1-15 are pending. Claims 1-3, 6 and 7 have been amended without narrowing those claims. The title has been amended to make it more descriptive, as required in the Office Action.

Claims 1, 3, 5, 6 and 8-10 are the independent claims.

Claims 1, 2, 6, 7 and 12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The claims 1, 2, 6 and 7 have been amended without narrowing their scope. They are believed to conform fully to the requirements of Section 112, second paragraph. The amendment to claim 3 was not in response to the rejection, but merely to improve the form of that claim, without narrowing its scope. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1-3, 5-8, 10-13 and 15 were rejected under 35 U.S.C. 103 over U.S. Patent 5,570,367 (Ayanoglu et al.) in view of the Stallings, a text book of which an excerpted section was enclosed with the Office Action. Claims 4, 9 and 14 were rejected under 35 U.S.C. 103 over Ayanoglu et al. in view of the Stallings and further in view of U.S. Patent 6,751,209 (Hamiti et al.).

The structure defined in claim 1 includes a counter that counts the number of round trips of data packets transmitted for determining the necessity of retransmission using the number of round trips. This is particularly useful in a data communication protocol conducting a flow process in TCP, in a case in which packets are occasionally lost.

On the other hand, as understood by Applicant, Ayanoglu et al. shows an asymmetric protocol for wireless communications in which a counter counts the number of received packets for determining the initiation of a flow control process, as shown, for example, in Figure 3.

Ayanoglu et al. neither teaches nor suggests the feature of claim 1 discussed above. For at least this reason, claim 1 is believed patentable over Ayanglu et al. Claims 3, 6 and 8 recite similar features and are believed to distinguish over Ayanoglu for similar reasons.

Independent claim 5 recites, inter alia, that the data transmitter releases, from the transmission window, a closed window to an extent corresponding to the total size of data, for which delivery confirmation has been newly made by ACK packets received from the data receiver during the error control, thereby rendering the released window transmittable.

This feature is neither taught nor suggested in the cited references. In particular, as understood by Applicant, in the cited prior art, and generally in window flow controls based on TCP, it is the window itself for which delivery confirmation has been made that is released. On the other hand, in claim 5, what is released is a closed window to an extent corresponding to the total size of data, for which delivery confirmation has been newly made by ACK packets received from the data receiver during the error control. Applicant has found no teaching or suggestion of this feature in any of the cited references. Claim 10, a method claim substantially corresponding to claim 5, is believed patentable for substantially similar reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.
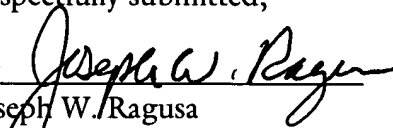
In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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